

CHAPTER 149
FEES FOR TRANSPORTATION, TREATMENT AND DISPOSAL OF
HAZARDOUS WASTE

[Prior to 12/3/86, Water, Air and Waste Management[900]]

567—149.1(455B) Authority, purpose and applicability.

149.1(1) Authority. Pursuant to Iowa Code section 455B.424, the department has authority to collect fees for the transportation, treatment, and disposal of a hazardous waste. Moneys collected or received by the department shall be transmitted to the treasurer of the state for deposit in the hazardous waste remedial fund.

149.1(2) Purpose. The purpose of these rules is to provide an orderly and efficient process for the assessment and collection of fees for certain activities involving hazardous wastes. These rules clarify the applicability of the fees and set forth a fee schedule, means of filing, and record-keeping requirements.

149.1(3) Applicability. Unless subject to the criteria in rules 149.3(455B) and 149.9(455B) of this chapter, fees shall apply to the following persons:

a. Any person who generates a hazardous waste and transports hazardous wastes off the site of generation as is defined by Iowa Code section 455B.412(2) and 567—Chapter 144.

b. Any person who owns or operates a facility within Iowa which provides treatment or disposal of hazardous waste.

567—149.2 Reserved.

567—149.3(455B) Exclusions and effect on other fees.

149.3(1) Exclusions. A person shall be exempt from the payment of fees specified in rule 149.4(455B) if any one of the following criteria is met:

a. The person is a duly authorized agent of the state of Iowa or a political subdivision of the state.
b. The hazardous waste is reclaimed or reused for energy or materials.
c. The hazardous waste is transformed into new products which are not regulated as wastes.
d. The hazardous waste is created as a result of remedial actions at an abandoned or uncontrolled hazardous waste site.

e. The waste is the influent to a facility which is subject to regulation under rules in 567—Chapter 62, “Effluent and Pretreatment Standards: Other Effluent Limitations or Prohibitions” or 567—Chapter 64, “Wastewater Construction and Operation Permits.” However, any hazardous waste created by such a treatment process is subject to the fees specified in this chapter.

f. The hazardous waste which due to its physical, chemical or biological properties decomposes spontaneously within 24 hours of generation to yield a resultant waste which is no longer hazardous in accordance with 40 CFR Part 261 as adopted by reference by rule 567—141.2(455B).

g. Hazardous waste which is generated outside the state of Iowa and transported through the state.

149.3(2) Other fees. A person exempt from payment of fees specified in rule 149.4(455B) is exempt only for the purpose of Iowa Code section 455B.424. Fees other than those specified in this chapter may still be assessed.

567—149.4(455B) Fee schedule.

149.4(1) Effective date. On and after July 1, 1985, fees shall begin to accrue for the transportation, treatment or disposal of hazardous waste within Iowa.

149.4(2) Hazardous wastes generated within Iowa. For hazardous waste generated within the state of Iowa, the generator shall be responsible for the following fees:

a. A fee of \$2 is assessed for each ton of hazardous waste destroyed or treated in Iowa to render the hazardous waste nonhazardous. However, hazardous residues resulting from such treatment are subject to all applicable fees.

b. A fee of \$10 for each ton of hazardous waste transported offsite of generation.

The water content weight of any waste that is transported to another facility under the ownership of the generator for the purpose of waste treatment or recycling shall not be considered when computing the weight of the waste.

c. A fee of \$40 is assessed for each ton of hazardous waste placed, deposited, dumped, or disposed of onto or into the land at a disposal facility in Iowa.

d. An Iowa facility which treats or disposes of hazardous waste is considered a generator for the purposes of paragraph 149.4(2) “b” if the wastes are subsequently transported off of the treatment or disposal facility site.

149.4(3) *Waste generated outside of Iowa.* For hazardous waste generated outside of the state of Iowa and imported into the state for treatment or disposal, the following fees shall be paid by the treatment or disposal facilities owner or operator:

a. A fee of \$2 is assessed for hazardous waste destroyed or treated at the disposal facility to render the hazardous waste nonhazardous. However, hazardous residues resulting from such treatment are subject to all applicable fees.

b. A fee of \$40 is assessed for each ton of hazardous waste placed, deposited, dumped, or disposed of onto or into the land at a disposal facility in Iowa.

c. An Iowa facility which treats or disposes of hazardous waste is considered a generator for the purposes of paragraph 149.4(2) “b” if the wastes are subsequently transported off of the treatment or disposal facility site.

149.4(4) A person who is subject to the fee schedule set out in rule 149.4(455B) who generates, transports, treats or disposes of a fraction of a ton of hazardous waste shall pay a proportionate fee equal to the fraction of a ton.

567—149.5(455B) Form, manner, time and place of filing.

149.5(1) *Form.* Any person to whom this chapter applies must file a completed Form 179 “Hazardous Waste Program—Transportation, Treatment and Disposal Fees” which is provided by the department as specified in rule 567—140.6(455B).

149.5(2) *Manner, time and place.* Fees are due on April 15 for the previous calendar year. The person shall present or mail the completed form with the appropriate fees to: Accounting, Department of Natural Resources, Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa 50319.

567—149.6(455B) Identification, sampling and analytical requirements.

149.6(1) The hazardous wastes to which the fee schedule listed in rule 149.4(455B) applies are those identified in 40 CFR Part 261 through October 23, 1985, as adopted by reference by rule 567—141.2(455B).

149.6(2) For the purposes of Iowa Code subsection 455B.424(1), the weight of the waste less its water content is determined using the total solids method 209A (for liquids) or 209F (for sludges or semisolids), 16th Edition of Standard Methods for the Examination of Water and Wastewater, 1985.

149.6(3) Petitions for equivalent testing or analytical methods are addressed in 40 CFR 260.21 as adopted by reference by 567—subrule 141.1(1).

567—149.7(455B) Reporting and record keeping.

149.7(1) Manifests. Those persons subject to the manifesting requirements of 40 CFR Part 262 as amended through July 15, 1985, as adopted by reference by 567—141.3(455B), shall maintain the manifests for the purpose of determining the amount of fees to be addressed as set out in rule 149.5(455B).

149.7(2) Operating records. Those persons who generate hazardous waste who are not subject to the manifesting requirements shall maintain operating records in accordance with rules 567—141.5(455B) and 567—141.6(455B).

149.7(3) A copy of completed Form 179 must be kept for a period of at least three years from the due date of the form.

149.7(4) All records required under this chapter must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of the department who is duly designated by the director.

567—149.8(455B) Failure to pay fees. If the director finds that a person has failed to pay the fees assessed by this chapter, the director shall enforce the collection of the delinquent fees. A penalty of 15 percent of the fee due in addition to the fee due shall be collected.

567—149.9(455B) Suspension of fees. If after collection of all fees due in a given year the hazardous waste remedial fund has a balance in excess of \$6 million by July 1 of a calendar year, the department shall suspend the collection of fees. If the balance falls below \$3 million, the fee collection shall be reimposed commencing the beginning of the next calendar quarter. Notices of suspension of fees and reinstatement of fees shall be provided by the department.

These rules are intended to implement Iowa Code section 455B.424.

[Filed 11/27/85, Notices 7/31/85, 10/9/85—published 12/18/85, effective 1/22/86]

[Filed emergency 11/14/86—published 12/3/86, effective 12/3/86]